

REMARKS/ARGUMENTS

The Office Action requires restriction between the following groups of claims:

- Group I Claims 1-13 drawn to a pharmaceutical composition comprising a biologically active agent, adjuvant chemical, and pharmaceutically acceptable carrier or diluent, the first appearing technical feature.
- Group II Claim 14 drawn to a method of producing a prophylactic or therapeutic vaccine, a first method of use of a polymeric material.
- Group III Claims 15-17 drawn to a method of protecting a mammal against infection, the first method of use of the first technical feature.
- Group IV Claims 18-23 drawn to a microsphere, the second technical feature.
- Group V Claims 24 and 25 drawn to the use of a chemical or adjuvant chemical, a second method of use of the first technical feature.

If the claims of either Group I or Group V are elected, the Office Action further requires election of one of a polyamino acid, a water soluble vitamin or vitamin derivative, positively charged cationic pluronics, a clathrate, a complexing agent, centrimides, an S-layer protein, and a methyl-glucamine.

In response to the restriction requirement, Applicants elect Group I containing claims 1-13 drawn to a pharmaceutical composition comprising a biologically active agent, adjuvant chemical, and pharmaceutically acceptable carrier or diluent. Applicants further elect, with traverse, the species of positively charged cationic pluronics (species C). Claims 1-13 read on the elected species. Applicants submit that the species requirement should be withdrawn

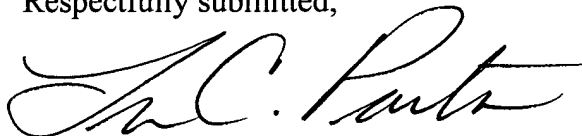
since claim 1 describes a group of compounds that had not previously been recognized as adjuvants and that are in fact able to enhance the effect of biological materials.

Applicants further traverse the Examiner's suggestions that PCT Publication WO 94/20070 discloses adjuvant compositions of the present invention. Applicants submit that this reference does not render the present invention obvious or anticipated as it is a speculative disclosure based upon unsubstantiated results or unspecified prior art. Applicants also respectfully submit that vitamin A is not a water-soluble vitamin, and therefore, not encompassed by the claims of the present invention.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Applicants are of the opinion that the above remarks are fully responsive to the Office Action mailed September 24, 2003 and that at least Claims 1-13 are now in condition for allowance. Such action is respectfully requested. If there are informalities remaining in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2517 is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L.C. Pavento", written in a cursive style.

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